



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,536	09/28/2001	Takeyuki Amari	06753.0242-01	3270

22852 7590 07/25/2002

FINNEGAN, HENDERSON, FARABOW, GARRETT &
DUNNER LLP
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER

BUI, HUNG S

ART UNIT PAPER NUMBER

2841

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,536

Applicant(s)

AMARI ET AL.

Examiner

Hung S Bui

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 06/03/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 September 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 9-240381 in view of McMahan et al. [US 5,818,691].

Regarding claims 1 and 10, Japan 9-240381 discloses an audio rack (see figure 1) accommodating multiple types and sizes of electrical equipment.

Japan 9-240381 discloses the instant claimed invention except for the specific width sizes of electrical equipment and the rack being design to support the various widths.

McMahan et al. disclose an equipment support assembly (see figure 1) which a plurality of electrical equipment is removably installable comprising:

- a first storage location (60, see figure 1) accepting a first electrical equipment (12) for accommodating a first electrical equipment having a first width size;
- a second storage location (see figure 1) accepting a second electrical equipment (74) for accommodating a second electrical equipment having a second width size (see figure 1) that is smaller than the first width size of the first electrical equipment in the first storage.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use that the equipment support assembly design of McMahan for the rack of Japan 9-240381, for the purpose of enabling accommodation of various equipment widths and heights.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 9-240381, as modified, as applied to claim 1 above, and further in view of Sorcher [US 4,807,292].

Regarding claim 5, Japan 9-240381, as modified, discloses the instant claimed invention except for guide means provided on the inter surfaces of the storage locations for guiding the electrical equipment into place.

Sorcher discloses a storage location (14, see figure 1) for accepting electrical equipment having guide means (16) provided on an inter surface thereof.

It would have been obvious to a person having ordinary skill in the art at the time invention was made to use the guide means design of sorcher in Japan 9-240381, for the purpose of aligning the electrical equipment in place.

Allowable Subject Matter

4. Claims 2-4 and 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Respons to Arguments

5. Applicant's arguments filed 6/03/02 have been fully considered but they are not persuasive.

Applicant argues:

[1]: Examiner fails to establish a *prima facie* case of obviousness;

[2]: There is no motivation to combine the teaching of MacMahan et al. with those of Musurari et al.;

[3]: There must be a reasonable expectation of success.

Examiner disagrees:

-Regarding [1], a) Musurari et al. teaches an audio rack for a vehicle having a plurality of storage locations for equipment of various heights.

b) Musurari et al. fail to teach the rack accommodating equipment of varying widths;

c) MacManhan et al. disclose a rack accommodating equipment of different widths, it would have been obvious, in order to have the rack accommodate equipment of different widths to use the rack design of MacManha et al. in Musurari et al.

6. -Regarding [2], A skilled artisan would have been motivated to seek solution in other component storage areas to achieve the desired solution. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is

Art Unit: 2841

some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to modify the device shown in the Japanese reference as suggested by McMahan to make the device more versatile by allowing it to accept devices of different sizes.

-Regarding [3], the design of MacManhan et al. show the equipment support able to accommodate equipment of varying widths. In response to the applicant's argument that it is unclear how the docking system of McMahan is incorporated into the Japanese device, the examiner believes that the ordinary practitioner would have the skill level necessary to know how to bend and shape metal into the required dimensions without an express teaching concerning the exact details.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2841

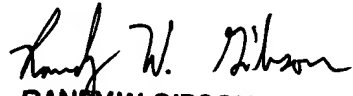
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S Bui whose telephone number is (703) 305-8024. The examiner can normally be reached on Monday-Friday 8:30AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S. Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0956.

HB
7/22/02


RANDY W. GIBSON
PRIMARY EXAMINER